

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:20-mc-00657-LY**

Van Dyke v. Retzlaff

Date Filed: 06/22/2020

Assigned to: Judge Lee Yeakel

Case in other court: Eastern District of Texas, Sherman Division,
4:18-CV-247-ALM

Cause: Motion to Quash

Plaintiff

Jason Lee Van Dyke

represented by **Jason Lee Van Dyke**
PO Box 2618
Decatur, TX 76234
United Sta
(469) 687-9526
Email: jasonleevandyke@protonmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Thomas C. Retzlaff
also known as
Dean Anderson
doing business as
BV Files
doing business as
Via View Files L.L.C.
doing business as
ViaView Files

represented by **Jeffrey L. Dorrell**
Hanszen Laporte, LLP
14201 Memorial Drive
Houston, TX 77079
713-522-9444
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Thomas C. Retzlaff

represented by **Jeffrey L. Dorrell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

James McGibney

represented by **James McGibney**
4305 Ridgebend Dr.
Round Rock, TX 78665
408-601-0685
PRO SE

Movant**UNITED STATES OF AMERICA**represented by **Kristina Scurry Baehr**

U.S. Attorney's Office
 903 San Jacinto Blvd, Suite 334
 Austin, TX 78707
 512-916-5858
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LEAD ATTORNEY
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Date Filed	#	Docket Text
06/23/2020	<u>I</u> <u>1</u>	MOTION to Quash (\$47.00 Filing Fee DUE) by James McGibney. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Order from Eastern District to File Motion in Western District)(cj) (Additional attachment(s) added on 6/23/2020: # <u>3</u> Civil Cover Sheet) (cj). (Entered: 06/23/2020)
06/23/2020	<u>I</u>	Case assigned to Judge Lee Yeakel. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (cj) (Entered: 06/23/2020)
06/23/2020	<u>I</u>	CASE REFERRED to Magistrate Judge Mark Lane. (cj) (Entered: 06/23/2020)
06/23/2020	<u>I</u> <u>2</u>	RESPONSE in Support, filed by Jason Lee Van Dyke, re <u>1</u> MOTION to Quash filed by Movant James McGibney (<i>Expedited Relief Requested</i>) (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Proposed Order Proposed Order)(Van Dyke, Jason) (Entered: 06/23/2020)
06/23/2020	<u>I</u>	CASE NO LONGER REFERRED to Magistrate Judge Mark Lane. (cj) (Entered: 06/23/2020)
06/23/2020	<u>I</u>	If ordered by the court, all referrals and consents in this case will be assigned to Magistrate Judge Lane (cj) (Entered: 06/23/2020)
06/23/2020	<u>I</u> <u>3</u>	Third Party MOTION to Quash <i>Subpoena of FBI Witness and Transfer</i> by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit 1 – Declaration, # <u>2</u> Proposed Order)(Baehr, Kristina) (Entered: 06/23/2020)
06/23/2020	<u>I</u> <u>4</u>	DEFICIENCY NOTICE t Kristina Scurry Baehr: re <u>3</u> Third Party MOTION to Quash <i>Subpoena of FBI Witness and Transfer</i> . (td) (Entered: 06/23/2020)
06/23/2020	<u>I</u> <u>5</u>	Amended MOTION to Quash <i>and Motion to Transfer to EDTX</i> by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit 1 – Wicevich Declaration, # <u>2</u> Proposed Order)(Baehr, Kristina) (Entered: 06/23/2020)
06/24/2020	<u>I</u> <u>6</u>	ORDER REFERRING MOTION: <u>1</u> MOTION to Quash filed by James McGibney Signed by Judge Lee Yeakel. Referral Magistrate Judge: Mark Lane. (td) (Entered: 06/24/2020)
06/24/2020	<u>I</u> <u>7</u>	Filing fee received in the amount of \$47.00, receipt number 100038708. (td) (Entered: 06/24/2020)
06/24/2020	<u>I</u> <u>8</u>	ORDER REFERRING MOTION: <u>5</u> Amended MOTION to Quash <i>and Motion to Transfer to EDTX</i> filed by UNITED STATES OF AMERICA. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Mark Lane. (td) (Entered: 06/24/2020)
06/28/2020	<u>I</u> <u>9</u>	Letter/Correspondence from Thomas C. Retzlaff requesting subpoena. (td) (Entered: 06/29/2020)
06/28/2020	<u>I</u> <u>10</u>	NOTICE of Filing Subpoena Request by Thomas C. Retzlaff. (td) (Entered: 06/29/2020)
06/28/2020	<u>I</u> <u>11</u>	

Emergency Notice of Deprivation of Due Process by Failure to Serve by Thomas C. Retzlaff. (td) (Entered: 06/29/2020)

06/29/2020	<u>12</u>	Subpoena issued. (td) (Entered: 06/29/2020)
06/29/2020	<u>13</u>	MOTION to Strike <u>11</u> Notice of Filing by Jason Lee Van Dyke. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Van Dyke, Jason) (Entered: 06/29/2020)
06/29/2020	<u>14</u>	MOTION to Quash <i>Subpoena</i> by Jason Lee Van Dyke. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Proposed Order Proposed Order)(Van Dyke, Jason) (Entered: 06/29/2020)
06/29/2020	<u>15</u>	DEFICIENCY NOTICE Jason Lee Van Dyke: re <u>13</u> MOTION to Strike <u>11</u> Notice of Filing . (td) (Entered: 06/29/2020)
06/29/2020	<u>16</u>	CERTIFICATE OF SERVICE by Jason Lee Van Dyke <i>Corrected</i> <u>14</u> MOTION to Quash <i>Subpoena</i> , <u>13</u> MOTION to Strike <u>11</u> Notice of Filing (Van Dyke, Jason) (Entered: 06/29/2020)
06/29/2020	<u>17</u>	Notice of Consent to Transfer filed by James McGibney, re <u>1</u> MOTION to Quash filed by Movant James McGibney. (td) (Entered: 06/30/2020)
06/29/2020	<u>18</u>	OBJECTION TO USE OF THE ECF SYSTEM BY JASON VAN DYKE by Thomas C. Retzlaff. (td) (Entered: 06/30/2020)
06/30/2020	<u>19</u>	MOTION for Sanctions <i>against Thomas Christopher Retzlaff</i> by Jason Lee Van Dyke. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Proposed Order Proposed Order)(Van Dyke, Jason) (Entered: 06/30/2020)
06/30/2020	<u>20</u>	ORDER REFERRING CASE to Magistrate Judge Mark Lane. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Mark Lane. (td) (Entered: 06/30/2020)
06/30/2020	<u>21</u>	MOTION to Strike <u>1</u> MOTION to Quash <i>by Non-Party Movant McGibney</i> by Thomas C. Retzlaff. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Proposed Order). Motions referred to Judge Mark Lane. (Dorrell, Jeffrey) (Entered: 06/30/2020)
06/30/2020	<u>22</u>	Motions No Longer Referred: <u>1</u> MOTION to Quash (case referred see doc # <u>20</u>). (td) (Entered: 07/01/2020)
06/30/2020	<u>24</u>	NOTICE of Reopening of Discovery Period & Deposition Notice for James McGibney by Thomas C. Retzlaff. (td) (Entered: 07/01/2020)
07/01/2020	<u>22</u>	CERTIFICATE OF SERVICE by UNITED STATES OF AMERICA <i>re 5</i> Amended MOTION to Quash <i>and Motion to Transfer to EDTX</i> (Baehr, Kristina) (Entered: 07/01/2020)
07/01/2020	<u>23</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>5</u> Amended MOTION to Quash <i>and Motion to Transfer to EDTX</i> by Thomas C. Retzlaff. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Mark Lane. (Dorrell, Jeffrey) (Entered: 07/01/2020)
07/01/2020	<u>25</u>	ORDER the court GRANTS United States Amended Motion to Quash Subpoena of FBI Witness James McGibney and Motion to Transfer (Dkt. # <u>5</u>). The Clerks office is ORDERED to transfer this entire matter to the Eastern District of Texas,Sherman Division. The court further ORDERS that the subpoena issued to GoDaddy.com at the request of Defendant Retzlaff be QUASHED without prejudice to renew that request in an appropriate forum (Dkt. # <u>10</u> and <u>12</u>). Plaintiff Van Dykes motions entitled Motion to Strike (Dkt. # <u>13</u>), Motion forSanctions (Dkt. # <u>19</u>), and Motion to Strike Nonparty Movant James McGibneys Motion to Quash (Doc. <u>1</u>) (Dkt. # <u>21</u>) are DENIED. Given the above orders, Plaintiff Van Dykes motion entitled Motion to Quash Subpoena (Dkt. # <u>14</u>) is MOOT. Signed by Judge Mark Lane. (td) (Entered: 07/01/2020)

07/01/2020

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CASE NO LONGER REFERRED to Magistrate Judge Mark Lane. (td) (Entered: 07/01/2020)